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Attorneys for Defendant-Counterclaimant
FREESCALE SEMICONDUCTOR, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MEDIATEK INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**DECLARATION OF MARK
PATRICK IN SUPPORT OF
MEDIATEK INC.'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

1 I, Mark Patrick, hereby declare as follows:

2 1. I am an attorney for Freescale Semiconductor, Inc. (Freescale). I submit this
3 declaration in support of MediaTek Inc.'s (MediaTek) Administrative Motion to File Under Seal
4 (Administrative Motion) (Dkt. No. 87) pursuant to Local Rules 7-11 and 79-5. I have personal
5 knowledge of the matters set forth below. If called as a witness I could and would competently
6 testify as follows.

7 2. MediaTek's Administrative Motion seeks to have filed under seal confidential,
8 unredacted versions of MediaTek's Reply in Support of Its Motion for Leave to Amend Its
9 Disclosure of Asserted Claims and Infringement Contentions (Reply) (Dkt. 87-3) and the
10 Declaration of Christopher A. Franklin in Support of MediaTek's Reply in Support of Its Motion
11 for Leave to Amend Its Disclosure of Asserted Claims and Infringement Contentions (Franklin
12 Declaration) (Dkt. 87-4). Both the Reply and the Franklin Declaration contain confidential
13 information on the volume of Freescale's U.S. unit sales of products within the i.MX31 and
14 i.MX51 product families from 2009 through 2012. (Reply at p. 11, lns. 15-18, 25-27; Franklin
15 Decl. at ¶ 13, p. 2 ln. 25-p. 3, ln. 2.)

16 3. Freescale does not publicly disclose the volume of unit sales for specific product
17 families or specific products, including the unit sales data for the i.MX31 and i.MX51 product
18 families found in the Reply and Franklin Declaration. Rather, Freescale safeguards this
19 information as a trade secret and has taken steps to ensure that it remains confidential, including
20 labeling such information as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY"
21 when Freescale has produced it in this action. If disclosed, Freescale's competitors could use the
22 unit sales data for the i.MX31 and i.MX51 product families contained in the Reply and Franklin
23 Declaration to Freescale's disadvantage by tailoring their sales marketing strategies based on
24 Freescale's sales. Accordingly, the requested relief is necessary to protect Freescale from such
25 competitive harm.

26 4. In addition, the requested relief is narrowly tailored to protect the confidentiality of
27 this information; indeed, only eleven lines total across the Reply and Franklin Declaration are
28 encompassed by MediaTek's motion to file under seal.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this
2 26th day of April, 2013, at Austin, Texas.

3
4 /s/ Mark Patrick
Mark Patrick

ATTESTATION OF E-FILED SIGNATURE

I, Rudy Y. Kim, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Mark Patrick has concurred in this filing.

Dated: April 26, 2013

/s/ Rudy Y. Kim

Rudy Y. Kim